

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

ROBERT EARL RAIFORD

PETITIONER

VS.

CRIMINAL NO. 2:03-cr-25-KS-MTP

UNITED STATES OF AMERICA

RESPONDENT

ORDER FOR CLARIFICATION OF SENTENCE

THIS CAUSE IS BEFORE THE COURT on Motion for Clarification of Sentence [87] filed by Robert Earl Raiford. The Court has considered the Motion and the record in this case and finds as follows, to wit:

I.

Robert Earl Raiford (Movant) was indicted on July 8, 2003 [1] and at the time he was indicted he was in the custody of the State of Mississippi serving a sentence from Walthall County, Mississippi. On December 18, 2003, an Order [4] was entered issuing a Writ of Habeas Corpus Ad Prosequendum as to Robert Earl Raiford and the United States Marshal executed the Writ and transported Movant for his Initial Appearance which occurred on January 5, 2004.

II.

On January 7, 2004, an Order [7] was entered that Robert Earl Raiford be temporarily detained, and on January 9, 2004 he was arraigned in this Court. Movant continued to remain in

the temporary custody of the U.S. Marshal Service under the Writ of Habeas Corpus Ad Prosequendum and the temporary detention Order.

The case was assigned on March 9, 2004 to U.S. District Judge David C. Bramlette and on March 29, 2004 Raiford filed a Motion [14] for a Psychiatric Exam. Movant told his attorney that he had mental problems and requested the exam himself through his attorney.

### III.

On April 29, 2004, an Order [15] was granted and Raiford was sent for the psychiatric exam under the terms and conditions of an Agreed Order [16] signed by District Judge Louis Guirola Jr.

### IV.

The case was continued several times for the exam to be completed.

### V.

Movant was unhappy with his attorney and a status conference was held on November 8, 2004 before Judge Bramlette, and a new attorney was appointed.

### VI.

On February 1, 2005 the case was reassigned to the undersigned Judge and a trial began on March 23, 2005, and ended in Movant's conviction on all counts on March 24, 2005.

### VII.

On June 14, 2005, Raiford was sentenced by Judge Keith Starrett to 180 months incarceration for the carjacking and 84 months for brandishing to run consecutively for a total sentence of 264 months. At the sentencing the Judge was asked to run the sentences concurrently with the State sentence and the undersigned Judge stated at the sentencing hearing, "the sentence will run concurrently with the State sentence." ([71] page 16, lines 23 and 24)

## VIII.

Mr. Raiford appealed the conviction and sentence and the Circuit Court affirmed same on April 11, 2016 by Judgment [44].

## IX.

On March 22, 2007, following Movant's term in State custody the Movant filed a Motion [46] for a transfer to Federal custody, and in his Motion Movant alleges that the programming in the Federal system is better than in the State system and that is his reason for requesting transfer. Apparently, Movant was subsequently tried for another State offense and was convicted and sentenced by the Circuit Court of Marion County with that sentence to run concurrent with the Federal sentence. Attached to the Motion for Transfer to Federal Custody [56] was attached a letter from the Administrator of the Circuit Court of Marion County informing Movant that the Marion County sentence would run concurrently with the Federal sentence.

## X,

Mr. Raiford has continued to question his sentence both in this Court and in the Fifth Circuit Court of Appeals attempting to have his Federal sentence run consecutively with his first State sentence and that he get credit for all of the time that he was in the custody of the U.S. Marshal on the Habeas Corpus Ad Prosequendum. Movant's latest requests have been denied by this Court.

This Court did grant Movant's request that his sentence run concurrently with the balance of his State sentence or sentences. The first time that Movant was officially in Federal custody and began serving his sentence was the day he was sentenced, June 14, 2005. The sentence received in the Federal Court was run concurrently with the balance of any State sentence. Mr. Raiford's sentence in the Federal system begins to run June 14, 2005. He has been denied any

relief by this Court, and he has been given the credit that he is entitled to. His Federal sentence has been run concurrently with the balance of his State sentence and he is entitled to no relief from this Court.

Mr. Raiford's continued filings on this issue are frivolous.

For the reasons stated above, the Motion [87] filed by Mr. Raiford is DENIED. The record is clear and needs no further clarification.

SO ORDERED this the 10th day of December, 2019.

s/Keith Starrett  
UNITED STATES DISTRICT JUDGE